



USAID | WEST BANK/GAZA

FROM THE AMERICAN PEOPLE

June 25, 2007
Notice No. 2007-WBG-19

To: All USAID/West Bank and Gaza Contractors, Grantees and Recipients.

Subject: Waivers in Acquisition and Assistance under Mission Awards

Dear Implementing Partners,

The purpose of this notice is to remind you of the following:

- The Branding and Marking requirements are subject to audit by the Inspector General (IG).
- USAID recipients may request waivers of the Marking Plan, in whole or in part, through the Contract/ Agreement Officer.
- Waivers to Marking and Branding requirements are circumstantial, not programmatic and may be approved by the USAID Mission Director (MD) in response to adverse circumstances that affect implementation (such as security, compelling political safety concerns or an adverse reaction in the local environment that may be triggered by USAID's Marking requirements).
- Only the Contracting/ Agreement Officer has the authority to inform the contractor of a waiver decision and to modify the award terms and conditions.
- No Marking is required while a waiver determination is pending.
- Approved waivers are not limited in duration, but are subject to the Mission Director's review at any time due to changed circumstances.
- If the circumstances on which the waiver was based change, the Mission Director may rescind the waiver even when the activities are completed, but before close-out of the contract. In that case, the marking requirements approved in the Marking Plan apply from the date forward that the waiver is rescinded.
- Approved waivers for USAID's Marking requirements "flow down" to sub-awards unless specified otherwise.
- Determinations regarding waiver requests, including a Mission Director's decision to rescind a waiver, are subject to appeal to the Assistant Administrator by submitting, through the CTO or CO a written request to reconsider the MD's waiver determination.

For more information on Branding and Marking, please see "ADS Chapter 320", This Chapter is available on the USAID Internet Site at: <http://www.usaid.gov/policy/ads/300/320.pdf> ,

Please address any questions regarding this matter to me at 03-5198 601 or by e-mail to robreen@usaid.gov.

Sincerely,

Ronald W. Breen
Contracting Officer